

Madras Weights And Measures Act, 1948

22 of 1948

[25 January 1949]

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SCHEDULE 1 :- Schedule

Madras Weights And Measures Act, 1948

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PREAMBLE

An Act to regulate the use of weights and measures in the Province of Madras.

Whereas it is expedient to regulate the use of weights and measures in the Province of Madras; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 9th December 1947, Part IV-A, page 579.

This Act was extended to the merged State of pudukkottai by section II of the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

By virtue of section 18, sub-section (2), of the Standards of Weights and Measures Act, 1956 (Central Act of 1956), the Madras Weights and Measures Act, 1948 (Madras Act XXII Of 1948) shall, to the extent to which it contains any provision which corresponds to any provision of the former Act, stand repealed. Central Act 89 of 1958 shall come into force on such date not being later than 10 years from the passing of that Act as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER 1 Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Madras Weights and Measures Act, 1948.

(2) It extends to the whole of the ¹(State) of Madras.

(3) ²[(a) This section shall come into force at once.

(b) Sections 2, 5-A and 14-A shall come into force on the date on which the Madras Weights and Measures (Amendment) Act, 1951, comes into force.*

(c) The Government may, from time to time, by notification in the Fort St. George Gazette, direct that the rest of this Act shall come into force in the whole or any portion of the State with effect from such date as may be specified in the notification.]

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.

2. This was substituted for the original sub-section (3) by the Madras Weights and Measures (Amendment) Act, 1951 (Madras Act XXXVI of 1951)

*. The Amending Act (Madras Act XXXVI of 1951) came into force on the 6th November 1951.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context--

(1) "Government" means the ¹[State] Government;

(2) "Inspector" means an Inspector of Weights and Measures appointed under section 6;

(3) "measuring instrument" means any instrument for the measurement of length, area or capacity;

(4) "prescribed" means prescribed by rules made under this Act;

(5) "recognized weight or measure" means a weight or measure referred to in section 3;

(6) "weighing instrument" includes scales, scale beams, balances, spring balances, steel yards and weighing machines.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

3. Recognized weights and measures :-

(1) (a) The standard weights specified in the Standards of Weight Act, 1939 (Central Act IX of 1939), and the other weights specified in Part I of the Schedule, being integral multiples or sub-multiples of one or more of the standard weights aforesaid, shall be the recognized weights for the purposes of this Act.

(b) The measures of length and area specified in Part II of the Schedule shall be the recognized measures of length and area for

the purposes of this Act:

(c) The measures of capacity specified in Part III of the Schedule shall be the recognized measures of capacity for the purposes of this Act.

(2) Any integral multiple or sub-multiple of a recognized weight or measure shall also be a recognized weight or measure for the purposes of this Act, if such multiple or sub-multiple is notified in that behalf in the Fort St. George Gazette by the Government or by any authority or officer empowered by them.

(3) Where a weight or measure is specified in the Schedule or in a notification issued under sub-section (2) as one to be used in a particular trade, it shall be deemed to be a recognized weight or measure only for the purposes of that particular trade.

4. Primary and working standards :-

(1) For the purpose of verifying or testing the correctness of weights and measures purporting to be recognized weights and measures and of weighing and measuring instruments, the Government shall cause to be prepared such number of authenticated sets of recognized weights and measures as they may think fit, to be working standards.

(2) For the purpose of verifying or testing the correctness of the working standards aforesaid, the Government shall cause to be prepared such number of authenticated sets of recognized weights and measures as they may think fit and shall supply one such set to the Board of Revenue and to the Collector of every district. Such sets shall be called primary standards.

(3) The primary standards and working standards shall be made of such material and according to such specifications and shall be prepared by such agency, and shall be stamped by such person and in such manner as may be prescribed. They shall also be verified and re-verified by such person, at such place, and in such manner as may be prescribed.

(4) The working standards shall be kept by such officers as the Government may direct, at such places and in such manner as may be prescribed.

5. Stamping of recognized weights and measures and Of weighing and measuring instruments :-

(1) Every recognized weight or measure shall bear the description of the weight or measure which it purports to be, together with

such other mark as may be prescribed, stamped upon it in such manner, and by such person, as may be proscribed:

Provided that the Government may, by notification in the Fort St. George Gazette, exempt any recognized weight or measure from such stamping, if, in their opinion, it is impracticable to stamp such weight or measure owing to its small size.

(2) Every weighing or measuring instrument which is calibrated with reference to recognized weights or measures, and every weighing instrument which is capable of being used with reference to recognized weights, shall be stamped in such manner, and by such person, as may be prescribed.

CHAPTER 2 Regulation of the use of weights and measures.

5A. Power to prescribe the use of weights only, of measures only, or of specified weights or measures only :-

¹[Notwithstanding anything contained in this Act, the Government may, by notification in the Fort St. George Gazette, direct that in any specified trade or class of trades--

(i) no transaction, dealing or contract shall be made or had except by weight only, or except by measure only; and

(ii) no weight, measure or weighing or measuring instrument, which is not specified in the notification, shall be used.

A notification issued under this section shall take effect in such area, with effect on and from such date, and subject to such conditions, if any, as may be specified therein.]

1. This heading and this section were inserted by section 3 of the Madras Weights and Measures (Amendment) Act, 1951 (Madras Act XXXVI of 1951, which came into force on the 6th November 1951.

CHAPTER 3 Appointment and powers of Inspectors

6. Appointment of Inspectors :-

(1) The Government or any authority or officer empowered by them may appoint one or more Inspectors of Weights and Measures for the purpose of carrying out the provisions of this Act and the rules made thereunder.

(2) Every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(Central Act XLV 1860)

7. Inspection of weights, measures and instruments :-

(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the Weights, measures and weighing and measuring instruments used by, or in the possession of, any trader and verify--

(a) whether such weights and measures are recognized weights and measures and, if so, whether they are correct; and

(b) whether such weighing and measuring instruments are correct instruments.

(2) For the purpose of such inspection, the Inspector may, at all reasonable times, enter and search the business premises of any trader.

(3) Where a building is used by a trader partly for dwelling purposes and partly for business purposes, the whole of such building shall, for the purposes of this section, be deemed to be his business premises.

8. Seizure by Inspector and forfeiture of unrecognized Or incorrect weights, measures or instruments :-

If an Inspector has reason to believe --

(a) that any weight or measure is not a recognized weight or measure, or is a recognized weight or measure which has not been stamped as required by section 5, sub-section (1), or is a recognized weight or measure which is incorrect; or

(b) that any weighing or measuring instrument has been calibrated with reference to any weights or measures other than recognized weights or measures, or has not been stamped as required by section 5, sub-section (2), or is incorrect,

the Inspector shall seize such weight, measure or instrument and produce it before a Magistrate who shall, if he finds that such weight, measure or instrument properly falls under any of the descriptions referred to in clause (a), or clause (b), as the case may be, order it to be forfeited to the Government or destroyed.

CHAPTER 4 Penalties And Procedure

9. Penalty for using or possessing unstamped or incorrect weights, measures and instruments :-

Whoever after the expiry of six months from the commencement of this Act, uses in a commercial transaction or possesses--

(i) any weight or measure, not being a recognized weight or measure which has been either stamped as required by section 5, sub-section (1), or exempted from stamping under the proviso to that sub-section; or

(ii) any recognized weight or measure which, on verification in the prescribed manner, is found to be incorrect; or

(iii) any weighing or measuring instrument which has been calibrated with reference to any weights or measures other than recognized weights or measures; or

(iv) any weighing or measuring instrument which has not been stamped as required by section 5, sub-section (2), or which on verification in the proscribed manner, is found to be incorrect, shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year or with fine or with both.

10. Penalty on authorized person who stamps weights, measures, etc., incorrectly :-

If any person duly authorized by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped--

(a) on any weight or measure, any marks purporting to indicate that it is a recognized weight or measure; or

(b) on any weighing or measuring instrument, any marks purporting to indicate that it is a correct instrument, and such weight, measure or instrument is, on verification in the prescribed manner, found to be incorrect, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

11. Penalty on unauthorized person who stamps, weights, measures etc :-

If any person not duly authorized by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments knowingly stamps or causes to be stamped--

(i) on a weight or measure any marks purporting to indicate that it is a recognized weight or measure, or

(ii) on a weighing or measuring instrument any marks purporting to indicate that it is a correct instrument, he shall be punishable--

(a) if such marks are not accurate with reference to the weight,

measure or instrument, with imprisonment for a term which may extend to one year or with fine or with both;

(b) if such marks are accurate with reference to the weight, measure or instrument, with fine which may extend to five hundred rupees.

12. Penalty for counterfeiting recognized weights, measures and instruments :-

Whoever counterfeits any marks prescribed for stamping on a recognize weight or measure, or on a weighing or measuring instrument, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

13. Prohibition of sale or delivery of weight, measure, etc., which has not been verified and stamped :-

(1) No weight, measure or weighing or measuring instrument, shall be sold or delivered, unless it has been--

(a) verified or re-verified in the prescribed manner;

(b) in the case of a weight or measure, also stamped as required by section 5, sub-section (1), except in the case referred to in the proviso to that sub-section;

(c) in the case of a weighing or measuring instrument, also stamped as required by section 5, sub-section (2).

(2) Whoever sells or delivers any weight, measure or instrument, in contravention of sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

14. Penalty for making, selling or disposing of False or defective weight, measure or instrument :-

Whoever knowingly makes, sells Or disposes of, or causes to be made, sold or disposed of, any recognized weight or measure or weighing or measuring instrument which is false or defective, shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year or with fine or with both.

14A. Penalty for use of weight or measure in contravention of section 5-A :-

¹[Whoever contravenes any of the provisions of a notification

issued under section 5-A, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.]

1. This section was inserted by section 4 of the Madras Weights and Measures (Amendment) Act, 1951 (Madras ActXXXVI of 1951), which came into force on the 6th November 1951.

15. Penalty for iving short weight or measure :-

Whoever, in selling any article by weight or measure delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

16. Penalty for refusal or neglect to produce weight, measure, etc., for inspection :-

Whoever---

(a) refuses or neglects to produce for inspection under section 7, any weight, measure, or weighing or measuring instrument in his possession or on his premises, or
(b) refuses to permit an Inspector to test any such weight, measure, or instrument, or
(c) obstructs the entry of an Inspector under section 7, or
(d) otherwise hinders an Inspector in the performance of his duties under this Act,
shall be punishable with fine which may extend to five hundred rupees.

17. Punishment for committing offences through others :-

(1) Whoever causes any act punishable under this Act, to be done by any adult or child employed by him, shall be liable to punishment for such act as if he had himself done it.
(2) If a child under seven years of age does any such act, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself dons it.

18. Cognizance of offences :-

No Court shall take cognizance of an offence punishable under this

Act except upon a complaint made by some person aggrieved by such offence, or by an Inspector, or by any other officer or person duly empowered by the Government in this behalf.

CHAPTER 5 MISCELLANEOUS

19. Bar of certain suits, prosecutions, etc :-

(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (a) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, without the previous sanction of the Government.

(b) No such officer or servant shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

20. Construction of references to weights and measures in dealings or contracts :-

Notwithstanding anything contained in any law for the time being in force, every dealing had or contract made in the ¹[State] of Madras or any portion thereof after this Act has come into force therein, for any work to be done or contracts, or any goods to be sold or delivered by weight or measure, shall, be deemed to be had or made according to a recognized weight or measure; and if not so had or made, shall be void; and no document reducing to writing or recording any dealing or contract not so had or made, shall be registered under the Indian Registration Act, 1908(Central Act XVI Of 1908).

1. This word was substituted for the word "province" by the Adaptation Order of 1950.

20A. Sections 8, 9 and 20 not to apply to the pagoda weight :-

¹[During a period of two years commencing on the date with effect from which the provisions of this Act other than ²(sections 1, 2, 5-A and 14-A) are applied to any area in the State--

- (i) nothing contained in section 8 shall, in such area, apply to the pagoda weight, that is to say, a weight equivalent to 54-79 standard grains, or to any weighing instrument calibrated with reference to such weight; and
- (ii) nothing contained in sections 9 and 20 shall be deemed to prohibit the use or possession in such area, of such pagoda weight or weighing instrument, for the purpose of transactions or dealings in, or contracts relating to, gold or silver.]

1. This section was inserted by section 2 Of the Madras Weights and Measures (Amendment) Act, 1950 (Madras Act XIX of 1950).

2. These words, figures and letters were substituted for the word and figure "Section 1" by section 5 of the Madras Weights and Measures (Amendment) Act, 1951 (Madras Act XXXVI of 1951).

21. Power to make rules :-

(1) The Government may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for--

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the material, mode of composition, form and specification of recognized weights and measures and of weighing and measuring instruments and the persons by whom and the number in which they should be made;

(c) securing the authenticity of recognized weights and measures which have been exempted from stamping under the proviso to section 5, sub-section (1);

(d) the procedure for the verification or re-verification of recognized weights and measures and of weighing and measuring instruments and the person by whom and the intervals within which such verification or re-verification shall be made;

(e) the circumstances and conditions under which, and the manner in which, the stamps upon any recognized weight or measure or upon any weighing or measuring instrument may be obliterated or defaced;

(f) the tests to be applied for the purpose of ascertaining the accuracy of recognized weights and measures and of weighing and measuring instruments;

(g) the limits of error to be allowed on verification or re-verification,

- either generally or as regards any particular trade;
- (h) the fees to be charged for the stamping of weights, measures and weighing and measuring instruments and for their verification or re-verification;
- (i) any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

22. Saving of Other laws :-

The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, relating to weights, measures and weighing and measuring instruments.

SCHEDULE 1

Schedule

THE SCHEDULE.

(See section 3.)

Part I

Weights.

I. For general use--

- (a) The palam, being a weight of 3 standard tolas.
- (b) The Madras seer, being a weight of 8 palams or 24 standard tolas.
- (c) The viss, being a weight of 5 Madras seers or 120 standard tolas.
- (d) The Madras maund, being a weight of 8 visses or 960 standard tolas.
- (e) The kandy, being a weight of 20 Madras maunds or 19,200 standard tolas.

II. For use in the trade in gold and silver--

- (a) The following multiples of the standard tola, namely: --
2, 3, 4, 5, 10, 20, 30, 50, 100, 200, 300, 500, 1,000 and 2,000.
- (b) The following sub-multiples of the standard tola, namely:--
 $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$ and $\frac{1}{32}$.

III. For use in the trade in precious stone and pearls--

- (a) The carat being a weight equivalent to $\frac{1}{120}$ of a standard tola.
- (b) The following multiples of the carat, namely: --
2, 3, 4, 5, 6, 8, 10, 12, 15, 20, 30, 40 and 60.
- (c) The following sub-multiples of the carat, namely:-
 $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{5}$, $\frac{1}{8}$, $\frac{1}{10}$, $\frac{1}{16}$, $\frac{1}{20}$, $\frac{1}{50}$ and $\frac{1}{100}$.

IV. For use in the Apothecaries trade--

- (a) The drachm, being a weight equivalent to 60 standard grains.
- (b) The ounce, being a weight equivalent to 8 drachms or 480 standard grains.
- (c) The following multiples of the ounce, namely:--
2, 4, 6, 8 and 10.
- (d) The following sub-multiples of the ounce, namely:-
 $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and $\frac{1}{16}$
- (e) The scruple, being a weight equivalent to 20 standard grains.
- (f) Two scruples, being a weight equivalent to 40 standard grains.
- (g) One-half of a scruple, being a weight equivalent to 10 standard grains.

Part II

Measures of Length and Area.

- (a) The standard inch, the standard foot and the standard yard as defined in the

Measures of Length Act, 1889.

- (b) The link, being a length of 7.92 standard inches.
- (c) The chain, being a length of 100 links or 22 standard yards. N
- (d) The furlong, being a length of 220 standard yards.
- (e) The mile, being a length of 8 furlongs.
- (f) The square inch, being the square of one standard inch.
- (g) The square foot, being the square of one standard foot.
- (h) The square yard, being the square of one standard yard.
- (i) The acre, being an area of 4,840 square yards.

Part III

Measures of Capacity.

I. For general use-

- (a) The cubic inch, being the cube of one standard inch.
- (b) The cubic foot, being the cube of one standard foot.
- (c) The cubic yard, being the cube of one standard yard.
- (d) The Madras measure, being equivalent to 108 cubic inches (62 1/2 fluid ounces).
- (e) The type seer, being equivalent to 72 cubic inches (41 2/3 fluid ounces).

Note.--

Three type seers are equivalent to two Madras measures.

- (f) The fluid ounce, being equivalent to 1/1000th of a cubic foot.

Note.--

One fluid ounce of air-free distilled water at 62°F weighs 437.5 standard grains approximately.

- (g) The pint, being equivalent to 20 fluid ounces.
- (h) The quart, being equivalent to 2 pints.
- (i) The gallon, being equivalent to 4 quarts.
- (j) The bushel, being equivalent to 8 gallons.

II. For use in the Apothecaries trade--

- (a) The fluid ounce as defined above.
- (b) The following multiples of the fluid ounce, namely:
2, 4, 6, 8, 10, 12, 16, 24 and 32.
- (c) The fluid drachm, being equivalent to 1/8th of a fluid ounce-
- (d) The following multiples of the fluid drachm, namely:--
2, 3 and 4.
- (e) The minim, being equivalent to 1/60th of a fluid drachm.
- (f) The following multiples of the minim, namely:--
2, 3, 4, 5, 10, 20 and 30.